



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,758	06/08/2000	Gilbert Hu	017789-001000US	9887
7590	01/05/2004		EXAMINER	
Stephen Y. Pang TOWNSEND and TOWNSEND and CREW LLP 8th Floor Two Embarcadero Center San Francisco, CA 94111-3834			BUI, BING Q	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 01/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/590,758	HU ET AL.	
	Examiner	Art Unit	
	Bing Q Bui	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 June 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

1. This action is in response to applicant's response filed on June 06, 2003. Claims 1-20 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 4 recites the limitation "the dialing instructions" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 5 recites the limitation "the dialing instructions" in line 4. There is insufficient antecedent basis for this limitation in the claim.

For examination purpose, Examiner assumes "the dialing instructions" as "the telephone number" that previously claimed in claims 1 and 3.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman et al (U.S. Patent No. 5,146,487), herein after referred as Bergsman.

Regarding claim 1, with respect to Figures 1-2, Bergsman teaches a method for operating a telephone server (i.e., an audio text or interactive voice mail system, see col. 1, Ins 6-21) comprises:

receiving an incoming call from a caller (see Fig. 1 and col. 1, Ins 6-21 and Ins 36-57);

coupling the incoming call to a voice mail server (i.e., an audio text or interactive voice mail system) (see Fig. 1 and col. 1, Ins 6-21 and Ins 36-57);

coupling the incoming call to a voice mail mailbox with the voice mail server (see Fig. 1 and col. 1, Ins 6-21 and Ins 36-57);

receiving a request from the caller to initiate an outbound call (see col. 3, Ins 45-56); and

saving a state of the voice mail server in response to the request (see col. 4, Ins 1-7).

receiving a telephone number from the caller (see col. 3, Ins 45-56);

processing the telephone number to make the outbound call (see col. 3, In 46- col. 4, In 7).

Bergsman differs from claimed invention in which it does not explicitly provide the step of restoring the state of the voice mail server after the outbound call is terminated. However, this feature would be obvious for preserving the resource for serving subsequent calls.

Regarding claim 2, Bergsman further teaches the step of receiving the request from the caller to initiate the outbound call comprises:

detecting a series of DTMF tones from the caller (see col. 3, Ins 45-56);
determining the request in response to the series of DTMF tones (see col. 3, In 45-col. 4, In 7).

Regarding claim 3, Bergsman further teaches the step of receiving the telephone number from the caller comprises detecting a series of DTMF tones from the caller (see col. 3, Ins 45-56).

Regarding claim 4, Bergsman further teaches the step of processing the telephone number comprises dialing the series of DTMF tones to make the outbound call (see col. 3, Ins 45-56).

Regarding claim 5, Bergsman differs from claimed invention in which it does not explicitly provide the step of from the caller comprises detecting a spoken phrase from the caller ; and wherein processing the telephone number comprises determining a telephone number associated with the spoken phrase; and dialing the telephone number to make the outbound call. However, Bergsman suggests that his system has capability of prompting the caller for receiving spoken phrases from the caller such as outbound call recipient's name (see col. 1, Ins 65-68) or caller's personal message (see col. 3, Ins 66-68). Therefore, having Bergsman's suggestion, it would have been obvious to one of ordinary skill in the art to add the step of receiving the outbound call recipient's telephone number spoken by the caller and processing the outbound call in accordance with provided spoken telephone number in order to provide the caller a faster and easier way of providing data to the message delivery system.

As to claim 6, it is rejected for the same reasons set forth to rejecting claim 1.

Regarding claim 7, Bergsman further teaches the step of providing a dial tone to the caller in response to the request (see col. 3, Ins 45-56).

As to claims 8 - 13, they are rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 8-13 are merely a system for implementing the method defined in the method claims 1-6, respectively.

As to claims 14 - 15, they are rejected for the same reasons set forth to rejecting claims 1-2 above, since claims 14-15 are merely a system for implementing the method defined in the method claims 1-2, respectively.

As to claim 16, it is rejected for the same reasons set forth to rejecting claims 3-4 above, since claim 16 is merely a system for implementing the method defined in the method claims 3-4.

As to claims 17 - 18, they are rejected for the same reasons set forth to rejecting claims 5-6 above, since claims 17-18 are merely a system for implementing the method defined in the method claims 5-6, respectively.

As to claims 19 - 20, they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 19-20 are merely a system for implementing the method defined in the method claim 1.

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hogan et al (US Pat No. 5,646,982) disclose system and method for message delivery.

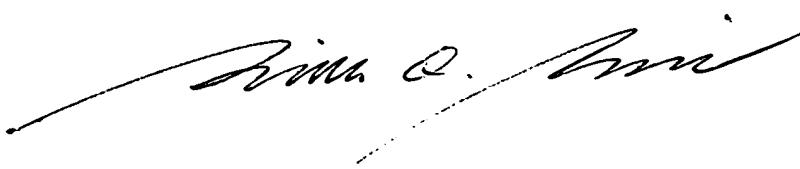
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Dec 24, 2003


BING WU
PATENT EXAMINER